

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JACOB SCOTT BALLARD,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Case No. 5:18-cv-1878

OPINION & ORDER
[Resolving Doc. [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In early 2016, Plaintiff Jason Scott Ballard applied for Social Security disability benefits.¹ The Social Security Administration denied Ballard’s application initially and upon reconsideration.² After a hearing, an Administrative Law Judge (“ALJ”) also denied Ballard’s request.³ The Social Security Appeals Council declined to review,⁴ making the ALJ’s determination the agency’s final decision.

Plaintiff Ballard now challenges this disability benefits denial.⁵ Magistrate Judge Knepp issued a report and recommendation (“R&R”) recommending that the Court remand the case to the ALJ.⁶ Neither party objects.⁷

¹ Doc. [10](#) at 205.

² *Id.* at 136 (initial denial), 146 (denial upon reconsideration).

³ *Id.* at 17.

⁴ *Id.* at 6.

⁵ Doc. [1](#).

⁶ Doc. [18](#).

⁷ Doc. [19](#).

The Federal Magistrates Act only requires the Court to review *objected-to* portions of an R&R.⁸ When there are no objections, the Court may adopt the R&R without examination. Because neither party objects, the Court adopts the R&R.

Also, the Court agrees with Magistrate Judge Knepp's reasoning and conclusions. In determining disability, an ALJ is generally required to give a treating physician's opinion controlling weight.⁹ If the ALJ discounts the opinion, he must give "good reasons" for doing so.¹⁰

Plaintiff Ballard's treating physician opined that Ballard's dizziness and headaches would restrict his ability to lift objects.¹¹ However, the ALJ gave this opinion less than controlling weight, concluding that Ballard's dizziness lacked documentation and the recommended limitations were undercut by Ballard's daily activities.¹²

These reasons are either untrue or unhelpfully unspecific. Ballard's medical records are—in fact—riddled with reports of dizziness.¹³ And, as Judge Knepp correctly notes, the ALJ failed to identify which of Ballard's life activities conflicted with Dr. Peiffer's opinion.¹⁴ The "good reasons" standard requires more.

⁸ *Thomas v. Arn*, 474 U.S. 140, 145 (1985). See 28 U.S.C. § 636(b)(1).

⁹ E.g., *Rogers v. Comm'r of Soc. Sec.*, 486 F.3d 234, 242 (6th Cir. 2007). Although the federal regulations regarding the treating physician rule changed in March 27, 2017, they do not impact Plaintiff's January 2016 claim.

¹⁰ *Id.*; 20 C.F.R. § 416.927(c)(2) ("We will always give good reasons in our notice of determination or decision for the weight we give your treating source's medical opinion.").

¹¹ Doc. 10 at 1756.

¹² *Id.* at 27.

¹³ E.g., *id.* at 723, 742, 916, 1220.

¹⁴ *Id.* at 27.

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Thus, the Court **ADOPTS** the R&R, **VACATES** the ALJ's decision, and **REMANDS** the case to the ALJ for further proceedings.

IT IS SO ORDERED.

Dated: August 15, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE